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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,684	05/31/2001	Yoshiharu Gotanda	0879-0316P	7218

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/867,684		GOTANDA, YOSHIHARU	
	<b>Examiner</b>		<b>Art Unit</b>	
	Lin Ye		2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-23 filed on 11/22/2005 have been considered but are moot in view of the new ground(s) of rejection. Since a new ground of rejection is being applied against unamended claims, this action is not made final.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Objections*

3. Claims 2-7 and 9-19 objected to because of the following informalities:

For claims 2-7 and 9-19 recite the limitation "**The electronic camera** as defined in claim ..." in line 1. There is insufficient antecedent basis for this limitation in the claim. It should be change to --The electronic **device** as defined in claim --

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Umezawa et al. U.S. Patent 5,491,507.

Referring to claim 1, the Umezawa reference discloses in Figure 1, an electronic device comprising: a mode setting device (button 15a, see Col. 8, lines 31-33) that sets a first mode (ordinary vocal telephone mode) for a function which is unrelated to camera functions (e.g., the ordinary telephone set corresponding to speech only, see Col. 10, lines 57-68) and a second mode (visual telephone mode) which is related camera functions; and a controlling device of equipment (1) that prohibits the electronic device from performing camera functions whenever said first mode is set by said mode setting device (e.g., the ordinary telephone conversation corresponding to only the voices, neither the display panel 11 nor the camera 3 can be used, see Col. 11, lines 17-20).

Referring to claim 2, the Umezawa reference discloses wherein said first mode (ordinary vocal telephone mode) is for a portable phone function.

Referring to claim 3, the Umezawa reference discloses wherein said controlling device does not accept an input from a switch of the camera (e.g., the ordinary telephone conversation corresponding to only the voices, neither the display panel 11 nor the camera 3 can be used, see Col. 11, lines 17-20) when said first mode (ordinary vocal telephone mode) is set by said mode setting device (15a), said switch being provided to a body of the camera for the functions of the camera (e.g., visual telephone mode, see Col. 10, lines 15-16).

Referring to claim 4, the Umezawa reference discloses wherein said mode setting device (button 15a) chooses between said first mode (ordinary vocal telephone mode) and a second mode (visual telephone mode) for the functions of the camera.

Referring to claim 17, the Umezawa reference discloses wherein the mode setting device (button 15a) is physically actuated directly by a user (See Col. 8, lines 31-32).

Referring to claim 18, the Umezawa reference discloses wherein the mode setting device does not set the first mode based upon a detection of a personal computer cable (e.g., the first mode is ordinary vocal telephone mode).

Referring to claim 19, the Umezawa reference discloses wherein the first mode (ordinary vocal telephone mode) permits portable operation (voice communication operation).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 5, the Umezawa reference discloses all subject matter as discussed in respected claims 4, except that the Umezawa reference does not explicitly states the camera mode which includes said recording mode and the play mode; and the electronic camera

further comprises another mode setting device that chooses between said recording mode and the play mode when the camera mode is set.

The Tanaka reference teaches in Figures 2, 7 and 17, the second mode is a camera mode which includes said recording mode (photograph mode) and the play mode (reproduction mode); and the electronic camera further comprises another mode setting device (switch 14) that chooses between said recording mode and the play mode when the camera mode is set (see pages 3-4, [0059]). The Tanaka reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having another mode setting device that chooses between said recording mode and the play mode when the camera is set so that providing more flexible options to user for quickly choosing recording or review desired images. For that reason, it would have been obvious to the one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing another mode setting device that chooses between said recording mode and the play mode when the camera mode is set as taught by Tanaka ('096).

8. Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Tanaka et al. U.S. Publication 2002/0191096 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 6, the Umezawa and Tanaka references disclose all subject matter as discussed in respected claims 1 and 4, and the Tanaka reference discloses mode setting device including main slide switch (11, see page 2, [0039]) for controlling OFF/ON mode for turning off/on power of the camera and SPC switch for setting first mode (PC mode) or

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second mode (camera function mode including recording mode and play mode that set by a slide switch 14), except that the Umezawa reference does not explicitly show the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction.

The Kiyokawa reference discloses in Figures 3-4, an electronic camera has a mode-setting device (47, see Col. 6, lines 60-64) that is a slide switch that can be locked to set three modes (telephone mode, camera mode and remote mode); and the camera mode which includes said recording mode and the play mode. The Kiyokawa reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having a slide switch which can set more than two modes so that the mode setting device can simply and quickly perform the more functions by one switch. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction as taught by Kiyokawa ('877).

Referring to claim 7, the Umezawa, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected same comment to claims 1, 4, 5 and 6.

9. Claims 8-10, 12, 16 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705.

Referring to claim 8, the Umezawa references discloses all subject matter as discussed with respected to claim 1, and the Umezawa reference disclose the electronic device

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including a taking lens (24) and image sensing element (3) as shown in Figure 1. However, the Umezawa reference does not explicitly show a lens cover for the taking lens, and the controlling device controls the lens cover driving device to close lens cover when camera is not using for perform the camera functions (in the ordinary vocal telephone mode).

The Fumio reference teaches in Figures 4-5, the camera including an automatic lens cover (8, see Col. 4, lines 54-59); and a lens cover driving unit for driving the lens cover to close while the camera is off or the image pickup unit (4) is unused position or over a 90° range (See Col. 1, lines 35-40, Col. 5, lines 1-5 and 59-67). The Fumio reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having an automatic lens cover for automatically closing to cover the taking lens when the camera is not in use so that avoiding any scratches on the surface of the camera lens. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Umezawa ('507) for providing a lens cover for the taking lens, and the controlling device controls the lens cover driving device to close lens cover when first mode is set (camera is not using for perform the camera functions) as taught by Fumio ('705)

Referring to claim 9, the Umezawa and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1, 2 and 8.

Referring to claim 10, the Umezawa and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1, 3 and 8.

Referring to claim 12, the Umezawa and Fumio references disclose all subject matter as discussed with respect to same comment as with claims 1, 4 and 8.



Referring to claim 16, the Umezawa and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1 and 8, and the Fumio reference discloses wherein said taking lens is collapsed (until it is in the unused position) before said lens cover is closed (See Col. 5, lines 62-67).

Referring to claim 20, the Umezawa and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1 and 8.

Referring to claim 21, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claims 1 and 8, and the Arai reference discloses wherein the first mode of operation (the ordinary telephone mode) provides functionality associated with non-image data (e.g., voice data only).

Referring to claim 22, the Umezawa and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 8 and 19.

Referring to claim 23, the Umezawa reference discloses wherein the first mode of operation (the ordinary telephone mode) functions without being operable coupled to a personal computer.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705 and Oeda et al. U.S. Publication 2001/0012071.

Referring to claim 11, the Umezawa and Fumio references disclose all subject matter as discussed with respected to claims 1 and 8, except the references do not explicitly show the

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lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set.

The Oeda reference discloses in Figure 3, the electronic camera has a recording mode (image pick up mode) for recording image data in a storage medium (flash memory 26 in Figure 4) in the camera, and a play mode for playing an image on a monitor (LCD 29) according to the image data stored in the storage medium in the camera; and controlling device (system controller 15) controls the lens cover switch to open only in recording mode, and does not open the lens cover in the play mode. The Oeda reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system open the lens cover when camera using image pick up unit for photographing and does not move the lens cover when camera only using for reproduction to display image data stored in memory, so that lens cover can protect the taking lens effectively. For that reason, it would have been obvious to the one of ordinary skill in the art to modify the electronic device of Umezawa ('507) for providing the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set as taught by Oeda ('071).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705 and Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 13, the Umezawa, Fumio and Tanaka references disclose all subject matter as discussed with respected same comment to claims 1, 5 and 8.

12. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. U.S. Patent 5,491,507 in view of Fumio et al. U.S. Patent 6,515,705, Tanaka et al. U.S. Publication 2002/0191096 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 14, the Umezawa, Fumio, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 6 and 8.

Referring to claim 15, the Umezawa, Fumio, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 7 and 8.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lin Ye', with a long horizontal flourish extending to the right.

Lin Ye  
Examiner  
Art Unit 2615

January 25, 2006